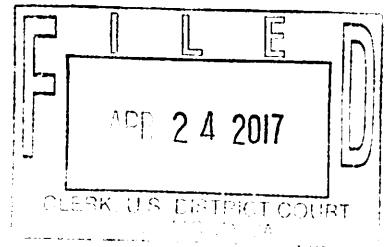


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



UNITED STATES OF AMERICA,

v.

Criminal No. 3:12CR136

ANTHONY W. WALKER,

Petitioner.

MEMORANDUM OPINION

By Judgment entered on January 23, 2013, Anthony W. Walker was convicted of one count of conspiracy to possess with intent to distribute one kilogram of heroin and was sentenced to one-hundred and twenty months of incarceration. (J. 1-2, ECF No. 57.) Since that time, the Court has denied one request from Walker to reduce his sentence under Amendment 794 of the United States Sentencing Guidelines. (See ECF Nos. 74, 75.)

Walker now brings this "LETTER MOTION" that he labels as a motion to vacate under 28 U.S.C. § 2255 ("§ 2255 Motion," ECF No. 76.) In his § 2255 Motion, Walker argues that Amendment 794 is retroactively applicable to his sentence. (Id. at 1-3.) Once a defendant is sentenced, the Court has no inherent authority to reconsider the defendant's sentence. See United States v. Goodwyn, 596 F.3d 233, 235 (4th Cir. 2010) (citation omitted). To the extent that Walker seeks relief under Amendment 794, a request for relief pursuant to Amendments to the Sentencing Guidelines is not cognizable under § 2255 and

must be brought pursuant to 18 U.S.C. § 3582. See United States v. Jones, 143 F. App'x 526, 527 (4th Cir. 2005) (holding that the district court erred in construing the petitioners' motions under 18 U.S.C. § 3582(c)(2) for reductions in sentence based on retroactive application of Amendment 591 as § 2255 motions); United States v. Perez-Carrillo, Nos. 7:14CR00050, 7:16CV81172, 2016 WL 4524246, at *1 (W.D. Va. Aug. 26, 2016) (explaining that § 2255 motion is an improper procedural vehicle to seek relief under Amendment 794). However, this Court has already denied a § 3582 motion from Walker seeking relief under Amendment 794 because it is not retroactive. (See ECF No. 75, at 1.) Accordingly, Walker's § 2255 Motion (ECF No. 76) will be denied. A certificate of appealability will be denied.

The Clerk is directed to send a copy of this Memorandum Opinion to Walker.

It is so ORDERED.

Date: *April 24, 2017*
Richmond, Virginia

/s/ *REP*
Robert E. Payne
Senior United States District Judge